

## Federal Communications Commission

## § 90.155

area may be specified as a city, a county or counties, a state or states or other definable geographic area such as a specified radius around a particular city or known geographic site.

(3) Applications for operation at temporary locations exceeding 180 days must be accompanied by evidence of frequency coordination, except that applications for operation at temporary locations exceeding 180 days by applicants using 220–222 MHz spectrum for geophysical telemetry operations need not be accompanied by evidence of frequency coordination.

(b) When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.

(c) The provisions of this section do not apply to the 4940–4990 MHz band.

[43 FR 54791, Nov. 22, 1978, as amended at 45 FR 63862, Sept. 26, 1980; 51 FR 14997, Apr. 22, 1986; 58 FR 44956, Aug. 25, 1993; 62 FR 15992, Apr. 3, 1997; 63 FR 68963, Dec. 14, 1998; 68 FR 38639, June 30, 2003]

### § 90.138 Applications for itinerant frequencies.

An application for authority to conduct an itinerant operation in the Industrial/Business Pool must be restricted to use of itinerant frequencies or other frequencies not designated for permanent use and need not be accompanied by evidence of frequency coordination. Users should be aware, however, that no protection is provided from interference from other itinerant operations.

[62 FR 18924, Apr. 17, 1997]

### § 90.149 License term.

(a) Licenses for stations authorized under this part will be issued for a term not to exceed ten (10) years from the date of the original issuance or renewal.

(b) [Reserved]

(c) Authorizations for stations engaged in developmental operation under subpart Q of this part will be

issued upon a temporary basis for a specific period of time, but in no event to extend beyond 1 year from date of original issuance, modification or renewal.

(d) Nationwide authorizations under subpart T of this part will be issued for a term not to exceed ten years from the date of the original issuance, modification or renewal.

[43 FR 54791, Nov. 22, 1978, as amended at 49 FR 36376, Sept. 17, 1984; 56 FR 19602, Apr. 29, 1991; 56 FR 65858, Dec. 19, 1991; 59 FR 59958, Nov. 21, 1994; 62 FR 18924, Apr. 17, 1997; 63 FR 68964, Dec. 14, 1998; 65 FR 60875, Oct. 13, 2000]

EFFECTIVE DATE NOTE: At 69 FR 46442, Aug. 3, 2004, § 90.149 was amended by adding paragraph (b), effective October 4, 2004. For the convenience of the user, the added text is set forth as follows:

### § 90.149 License term.

\* \* \* \* \*

(b) Non-exclusive geographic area licenses for DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band will be issued for a term not to exceed ten years from the date of original issuance or renewal. The registration dates of individual RSUs (see § 90.375) will not change the overall renewal period of the single license.

\* \* \* \* \*

### § 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in sections 90.629, 90.631(f), 90.665, 90.685 and 90.1209, must be placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.

(b) A local government entity in the Public Safety Pool, applying for any frequency in this part, may also seek extended implementation authorization pursuant to § 90.629.

(c) For purposes of this section, a base station is not considered to be placed in operation unless at least one associated mobile station is also placed in operation. See also §§ 90.633(d) and 90.631(f).

(d) Multilateration LMS systems authorized in accordance with § 90.353 must be constructed and placed in operation within twelve (12) months from

## § 90.157

the date of grant or the authorization cancels automatically and must be returned to the Commission. MTA-licensed multilateration LMS systems will be considered constructed and placed in operation if such systems construct a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to a substantial portion of at least one BTA in the MTA.

(e) A multilateration LMS station will be considered constructed and placed in operation if it is built in accordance with its authorized parameters and is regularly interacting with one or more other stations to provide location service, using multilateration technology, to one or more mobile units. Specifically, LMS multilateration stations will only be considered constructed and placed in operation if they are part of a system that can interrogate a mobile, receive the response at 3 or more sites, compute the location from the time of arrival of the responses and transmit the location either back to the mobile or to a subscriber's fixed site.

(f) For purposes of this section, a station licensed to provide commercial mobile radio service is not considered to have commenced service unless it provides service to at least one unaffiliated party.

(g) Application for extension of time to commence service may be made on FCC Form 601. Extensions of time must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to commence service is due to causes beyond its control. No extensions will be granted for delays caused by lack of financing, lack of site availability, for the assignment or transfer of control of an authorization, or for failure to timely order equipment. If the licensee orders equipment within 90 days of the license grant, a presumption of due diligence is created.

(h) An application for modification of an authorization (under construction) at the existing location does not extend the initial construction period. If additional time to commence service is required, a request for such additional time must be submitted on FCC Form

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601, either separately or in conjunction with the submission of the FCC Form 601 requesting modification.

[65 FR 60875, Oct. 13, 2000, as amended at 68 FR 38639, June 30, 2003]

EFFECTIVE DATE NOTE: At 69 FR 46443, Aug. 3, 2004, § 90.155 was amended by adding paragraph (i), effective October 4, 2004. For the convenience of the user, the added text is set forth as follows:

### § 90.155 Time in which station must be placed in operation.

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(i) DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band must be placed in operation within 12 months from the date of registration (see § 90.375) or the authority to operate the RSUs cancels automatically (see § 1.955 of this chapter). Such registration date(s) do not change the overall renewal period of the single license.

### § 90.157 Discontinuance of station operation.

A station license shall cancel automatically upon permanent discontinuance of operations. Unless stated otherwise in this part or in a station authorization, for the purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

[63 FR 68964, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 69 FR 46443, Aug. 3, 2004, § 90.157 was revised, effective October 4, 2004. For the convenience of the user, the revised text is set forth as follows:

### § 90.157 Discontinuance of station operation.

(a) A station license shall cancel automatically upon permanent discontinuance of operations. Unless stated otherwise in this part or in a station authorization, for the purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

(b) For DSRCS Roadside Units (RSUs) in the 5850–5925 MHz band, it is the DSRCS licensee's responsibility to delete from the registration database any RSUs that have been discontinued.

### § 90.159 Temporary and conditional permits.

(a) An applicant for a license under this part (other than a commercial mobile radio license) utilizing an already